United Nations CRC/C/SR.2058

Convention on the Rights of the Child

Distr.: General
15 January 2016

Original: English

Committee on the Rights of the Child
Seventy-first session

Summary record of the 2058th (Chamber A) meeting
Held at the Palais des Nations, Geneva, on Tuesday, 12 January 2016, at 3 p.m.

Chair: Ms. Aldoseri

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Combined third to fifth periodic reports of Latvia (CRC/C/LVA/3-5; CRC/C/LVA/Q/3-5 and Add.1)

1. *At the invitation of the Chair, the delegation of Latvia took places at the Committee table.*

2. **Ms. Jaunzeme** (Latvia), introducing her country's combined third to fifth periodic reports (CRC/C/LVA/3-5), said that considerable efforts had been made to eradicate child poverty and promote maternal and infant health over the past 10 years. Financial allowances targeted at families, which had been reduced during the global economic crisis, had been restored to their pre-crisis levels and State-subsidized childcare had been made available to families with the aim of improving living standards for children and fostering a healthier work-life balance for working parents. Specific measures, including the introduction of the Maintenance Guarantee Fund, had also been introduced to support single-parent families.

3. The Government had recently strengthened national child protection legislation and had adopted a preventive rather than punitive approach to children who exhibited antisocial behaviour. It had also established a national inspectorate for the protection of children's rights to ensure respect for the rights of the child. Similarly, steps had been taken to compile annual reports regarding the overall national implementation of the Convention and to consult with civil society organizations on matters involving children's rights and well-being.

4. **Mr. Guráň** (Country Rapporteur) asked what steps had been taken to ensure the de facto implementation of national legislation aimed at protecting and promoting the rights of the child, including through the use of by-laws. He also wished to know whether the State party intended to establish a State monitoring body responsible for coordinating the implementation of the Convention and whether it would develop a comprehensive national programme promoting children's rights.

5. Additional information regarding the mandate and resources allocated to the three employees working in the area of children's rights within the Ombudsman's Office would be welcome, including whether they could receive complaints from children directly. In that connection, he asked whether awareness-raising and training activities on the Committee's general comment No. 12 (2009) on the right of the child to be heard had been held for professionals working with children and whether the State party intended to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. Lastly, he wished to know what steps had been taken to involve NGOs in the drafting of the report and the implementation of the Convention.

6. **Mr. Gastaud** (Country Rapporteur) asked what steps had been taken to combat discrimination against children belonging to minority groups, children with disabilities and lesbian, gay, bisexual, transgender and intersex children and to prosecute those responsible. He also wished to know whether national information campaigns had been conducted to raise awareness of the principle of the best interests of the child and whether the opinions of children were taken into account in decisions affecting their lives.

7. Concerning reports of mass media campaigns promoting the use of whipping as an acceptable method of disciplining a child, he asked what steps had been taken to prevent corporal punishment in all settings and to prosecute acts of violence against children. Information on measures adopted to prevent suicide and accidents among

children, such as drowning and traffic accidents, would also be welcome. Lastly, he wished to know what efforts had been made to combat child prostitution and raise awareness of national legislation that restricted the dissemination of pornography.

8. **Ms. Sandberg** asked whether the Government intended to collect disaggregated data on a wider range of issues for all categories of child, including children with mental health issues and child victims of violence.

9. **Ms. Aho Assouma** said that she would like further clarification of the birth registration process, including additional information on the measures taken to ensure the timely registration of refugee children born in the country. She also wished to know whether parents who failed to register the birth of their children within the mandatory one-month deadline were subject to sanctions.

The meeting was suspended at 3.35 p.m. and resumed at 3.55 p.m.

10. **Ms. Medina** (Latvia) explained that the Law on the Protection of the Rights of the Child was an umbrella instrument, which was implemented through subsidiary legislation pertaining to specific sectors. The statistical data annexed to the State party's report (CRC/C/LVA/3-5) and to its replies to the list of issues (CRC/C/LVA/Q/3-5/Add.1) contained information on administrative violations of the law examined by the State Inspectorate for the Protection of Children's Rights (SIPCR) under the Latvian Administrative Violations Code. A government agency had been set up to monitor compliance with those laws.

11. **Mr. Guráň** asked for details of the competence and membership of that agency.

12. **Ms. Jaunzeme** (Latvia) said that the agency, the SIPCR, could not only monitor compliance with the law on the rights of the child, but also impose fines for any breaches thereof. Its wide-ranging duties also included providing input to policy designed to secure those rights and ensuring that educational programmes were in line with the Convention.

13. **Mr. Gastaud** asked whether the fines imposed by the Inspectorate were of an administrative or criminal nature. He wished to know whether, if a child, or his or her parents or guardian, considered that the law had been flouted, they could refer the matter to the Inspectorate.

14. **Ms. Jaunzeme** (Latvia) replied that the Inspectorate, which could receive complaints from all parties, including children, must inform the police of any complaints concerning criminal offences. It could impose only administrative fines, since criminal fines could be imposed solely by the courts.

15. As the "Latvia Fit for Children" Guidelines would be expiring in 2016, the delegation was looking forward to receiving the Committee's recommendations regarding matters which should be covered in a forthcoming strategy to improve the situation of children in Latvia. The Government had approved the conducting of a survey on their current situation. The Ministry of Welfare was politically responsible for coordinating the activities of institutions to promote and protect children's rights and child welfare.

16. **Ms. Freimane** (Latvia) drew attention to the information on the Ombudsman's Office provided in paragraphs 32 to 38 of the State party's combined third to fifth periodic reports. Four lawyers were currently employed in the Children's Rights Division. In 2015 the Ombudsman's Office had been accredited with A status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), which meant that its operations fully complied with the Paris Principles. In 2015, the Office had received some 600 complaints, a drop of 14 per cent compared with the previous year, when new regulations had

entered into force. Of those complaints, 95 had concerned the right of a child to a family environment and 40 had been filed in connection with issues relating to orphans and children without parental care.

17. In 2014 the Office had issued recommendations to State educational institutions concerning compliance with child safety regulations. In the same year it had given its opinion on a number of questions relating to orphans and it had participated in the drafting of several regulations and amendments thereto. It had exercised its constitutional right to lodge complaints with the Constitutional Court and had actively promoted public awareness of the rights of the child by commissioning a revised translation of the Convention into Latvian.

18. The Office had actively participated in international forums by providing the European Network of Ombudspersons for Children (CRIN) with information on several occasions. Three priorities had been set for 2015: to promote children's rights at the municipal level, with the focus on pre-school and primary school-aged children; to promote children's right of access to parents in prison, and to improve the quality of technical facilities to enhance the mobility of children with disabilities.

19. **Mr. Guráň** requested information about the procedure for dealing with complaints from or on behalf of children, as well as on the number and the outcome thereof.

20. **Ms. Jaunzeme** (Latvia) said that, since all children were entitled to a place in a kindergarten as from the age of 18 months and since primary school education was compulsory as from the age of 5, the monitoring of early childhood took place through the educational institutions. Every person who had contact with children, including members of the police, judges and prosecutors, had to attend a 40-hour mandatory training course in the rights of the child, the curriculum of which was put together by the SIPCR Inspectorate and constantly updated in line with new legislation.

21. **Ms. Līce** (Latvia) said that it had been decided to combine several periodic reports covering a longish period in order to supply the maximum amount of information on developments since the previous report. Submission of the combined report had been delayed by staff reductions in government services due to the economic crisis. Many of the NGOs listed in paragraph 3 of the State party's report had commented on the draft report and, whenever possible, those comments had been incorporated in the final report, where an effort had been made to balance government views and NGO concerns. The Government intended to ensure greater NGO involvement in future. Consideration was being given to how best to improve and speed up the dissemination of the Committee's concluding observations. The contents of the Committee's general comments were integrated into the relevant training and educational curricula as a guide to how international human rights standards should be realized in domestic legislation and practice. Several judgments of the European Court of Human Rights which had referred to the Committee's general comments in cases concerning Latvia were a further source of instruction for persons in the legal profession. Latvia had already acceded to the Optional Protocol to the International Covenant on Civil and Political Rights and was considering accession to other international instruments providing for individual complaints procedures. The European Court of Human Rights could, however, examine applications related to the rights of the child, thus ensuring that those rights were effectively monitored.

22. **Ms. Jaunzeme** (Latvia) said that NGOs could peruse all cabinet documents, since they had to be published on the government website. Cabinet meetings were public and broadcast via the website. For that reason, anyone who wished to submit their views on any document could do so directly to the relevant minister.

23. **Ms. Kleinberga** (Latvia) said the Government of Latvia was fully committed to eliminating discrimination against vulnerable groups. To that end, legislation had been passed to give effect to the principle of non-discrimination. Guidelines on an integration policy which would be in force until 2018 had been approved. Those guidelines had identified several areas of action to combat discrimination and to promote skills in intercultural dialogue in the field of education. There were plans to develop monitoring and evaluation and to introduce public information measures and training of professionals as a means of ensuring non-discrimination. Several advisory bodies had been set up in order to ensure close cooperation with civil society and with representatives of various ethnic minorities, including the Roma. Provision had been made in the State budget for that purpose. Local authorities were instrumental in meeting the specific needs of families resident in their area. Some successful projects were likewise being run with civil society organizations to combat discrimination against lesbian, gay, bisexual, transgender and intersex children.

24. **Mr. Gastaud** asked how many perpetrators of discriminatory acts had actually been prosecuted and convicted between 2007 and 2015.

25. **Mr. Guráň** wished to know if there was a special programme to combat discrimination against the Russian-speaking minority in the field of education.

26. **Ms. Smiltēna** (Latvia) said that, while the delegation did not have the statistics requested by the Committee on the implementation of the Criminal Law in cases of discrimination at hand, it would endeavour to provide them at the next meeting.

27. **Ms. Arkle** (Latvia) said that student governments were important in schools and that each school had its own active, autonomous student government structure. Six regional and international conferences had been organized in the past three years in order to promote multicultural education and to foster an inclusive and tolerant environment. There were two kinds of education programmes in Latvia, namely those mainly taught in the Latvian language and those taught in one of a number of minority languages. There were a large number of Russian schools in the State, as well as schools catering to the Polish, Belarusian and Jewish communities. All schools in the State were required to comply with the same standards. Over the last five years it was clear from statistical data that examination results in the minority schools were often even better than those in the Latvian language schools. The education system was thus diverse and multicultural and was working very successfully to cater for the different communities present in the State.

28. **Mr. Gastaud** said that, in relation to the student governments, the Committee would like to request further information on the debate process which took place in schools. Were suggestions arising from the debates received by the Ministry of Education and, if so, how were they dealt with?

29. **Ms. Arkle** (Latvia) said that the student government structures worked closely with teachers, parents and students to discuss and address any issues.

30. **Ms. Jaunzeme** (Latvia) said that the focus of the debate process was on qualitative participation in different events and procedures in schools and on the everyday organization of life in schools, including leisure activities. On the subject of the right to life and suicide, the numbers of suicides peaked during the Christmas period, perhaps because children felt lonely at that time of year. Budgetary resources had already been allocated to tackle that issue. In the previous year, during a period of nine months, 46,000 calls had been made to an anonymous, 24-hour helpline, which provided psychological support to those considering suicide. Data were collected from those phone calls and used to produce more effective public information campaigns on issues such as violence in schools. On the subject of drowning it was important to note that Latvia had a very short summer and therefore a limited swimming season.

Campaigns were carried out each year, before the summer, to encourage people to use only officially accredited swimming locations. There had also been a similar campaign to prevent accidents on railway tracks, including an advertisement shown on primetime television. The number of accidents had decreased as a result of the campaign.

31. **Mr. Gastaud** said that he would like to know if awareness raising campaigns on safe swimming were conducted throughout the year in schools or only during the summer. Were there sufficient human resources available to deploy qualified lifeguards to as many locations as possible during the swimming season?

32. **Ms. Feldmane** (Latvia) said that regulations were in place to guarantee the safety of maintained swimming locations. The Health Inspectorate also worked with local municipalities to increase the number of such locations. Many campaigns were organized to provide information on safe behaviour and safe swimming practices. Efforts were also being made to increase swimming classes in schools.

33. **Ms. Jaunzeme** (Latvia), turning to the question of the opinion of the child in court cases, said that it was always taken into consideration. The relevant legislation had been fully implemented and was applied in all cases.

34. **Mr. Gastaud** asked from what age it was obligatory to take into account the opinion of the child and if that age varied according to the particular context and proceedings.

35. **Ms. Smiltēna** (Latvia) said that the minimum age was 15 years, however, depending on the maturity of the children, their opinion could potentially be taken into account before that age.

36. **Mr. Guráň** said that the age specified by the delegation did not comply with the Committee's general comment No. 12 and suggested that the State party take the Committee's recommendations into account and implement them in their legislation.

37. **Ms. Medina** (Latvia) said that the law in Latvia made it clear that, if a child's opinion was understandable and coherent, it must be heard. If it was possible to find out the child's opinion, even if the child was under 15 years of age, then the court must do so. In cases of adoption, the age from which it was obligatory to do so was 12 years.

38. **Ms. Jaunzeme** (Latvia), speaking in reference to the question on prosecution and criminal offences, said that in 2012 the Government had tasked the Ministry of Justice with developing a report on the experience of other countries in tackling prostitution. The main conclusions of the report were that the curricula should be improved in Latvia; informative events should be organized; collaboration with civil society should be strengthened and training should be provided to law enforcement officers with a view to reducing prostitution. In 2013 the Ministry had been tasked with setting up an interinstitutional working group and drawing up a legal regulation to prohibit the purchase of sexual services in Latvia. The report produced by the group had been submitted to the Government. It had been adopted and all necessary legal regulations were in place. Efforts had also been made to transpose Directive 2011/92/EU of the European Parliament and of the Council into domestic legislation, including through an amendment to the Criminal Law, in section 164 on the involvement of persons in prostitution.

39. In addition, criminal liability for prostitution of minors had been introduced and a cabinet regulation had been drawn up to prohibit the prostitution of minors. There was close cooperation between a range of stakeholders, including the municipal police, NGOs and the state police, to share information and identify suspicious persons, as well as to strengthen the protection of victims of trafficking and minors.

According to the information received by the Government from those parties, there were no minors involved in street prostitution in Latvia. A special unit within the State police was dedicated to fighting human trafficking and pimping, as well as organized prostitution. Five minor victims had been identified in the last year and five suspects detained, four of them men. In addition, a range of human rights issues, including child trafficking, pornography and prostitution, were included in the school curricula in Latvia, with the aim of supporting young people in developing the ability to deal with those problems. Young people were also encouraged to exercise caution when sharing personal information online.

40. **Ms. Medina** (Latvia) said that corporal punishment was looked upon as physical violence against the child. According to its severity, it could be covered either by chapter 172 of the Administrative Violations Code, which prohibited physical and emotional violence, or by article 174 of the Criminal Law, for very serious cases. There had been an average of around 100 cases of the less serious variety recorded each year, and 30 to 50 more serious cases. In many cases the proceedings had been initiated through calls made by children to the helpline.

41. **The Chair** asked whether corporal punishment was criminalized in different settings such as in private homes, as well as in schools.

42. **Ms. Medina** (Latvia) confirmed that was indeed the case.

43. **Mr. Rodríguez Reyes** asked whether domestic legislation made it obligatory for an individual to report cases of violence against children to the authorities and requested further information on the environment in which a child was accommodated when they went to a police station.

44. **Ms. Medina** (Latvia) said that the child could report violence and when calling the helpline did not have to provide evidence to prove the allegations. The police took the necessary steps to gather evidence and verify the allegations.

45. **Mr. Rodríguez Reyes** said that a figure of 63,750 calls received by the helpline was given in the replies to the list of issues and yet there had been only 100 court cases. He would like clarification from the delegation on the reasons for the discrepancy.

46. **Ms. Jaunzeme** (Latvia) said that the objective of the helpline was to provide psychological support and to build trust. Individuals could call anonymously and, although they would be provided with the necessary information to lodge a complaint subsequently, might choose not to do so. Imposing an obligation on callers to reveal their identity would damage the trust built up between the parties and would thus be counterproductive. However, in time it was expected that more complaints would be lodged, as trust in the institution increased. Freedom of association could be fully exercised in Latvia as long as it was not violent or damaging to society. Latvia had a strong tradition of freedom of association, as reflected in the State's Constitution. The dissemination of child pornography was criminalized in Latvia, including its possession.

47. **Ms. Stabiņa** (Latvia) said that section 166 of the Criminal Law prohibited the import, production and distribution of child pornography. In that regard, in 2014 there had been three minor victims, while in 2015 there had been as many as 20. The State police had a unit dedicated to fighting cybercrime, which collaborated with NGOs and international law enforcement agencies to shut down websites which disseminated that type of pornographic material.

48. **Ms. Jaunzeme** (Latvia) said that the Ministry of Welfare had developed a new system, one of the first in Europe, to aggregate data from different fields, including data on the number of children suffering from violence or experiencing depression.

While the quality of the data could still be improved, a great deal of useful information had already been registered in the system. Not all the data had been shown online, but it was planned to do so in the future. Regarding the issue of birth certificates, there were two main reasons why parents might not register a birth. The first was simply negligence. It was difficult to understand why that was the case given the generous benefits granted for newborn children, including the birth grant. In addition, all social services in Latvia were linked to the birth certificate, so that it was essential for parents to register a birth in order to access those services. A period of one month was allowed for parents to register births and by the end of that period 99 per cent of births had normally been registered.

49. If newborn infants were abandoned in hospitals, it was incumbent on hospital staff to name and register them. All births that took place in the country, including to refugees and women belonging to minority groups, were subject to registration.

50. **Ms. Aho Assouma** asked what steps were taken in cases where children remained unregistered a month after birth. She asked for further information on the citizenship status of children born in the country to non-citizen parents.

51. **Ms. Jaunzeme** (Latvia) said that amendments to the Citizenship Law had resulted in a decrease in the number of non-citizens, which in 2015 had stood at 12 per cent of the population. Under that Law, children born in the country to stateless or non-citizen parents were granted citizenship if their parents made a request during birth registration.

52. **Mr. Guráň** requested profile data on the mothers who abandoned their newborns in hospitals. He wondered whether many of those women were from the Roma community, as was the case in some other countries.

53. **The Chair**, speaking as a member of the Committee, asked whether budgets were allocated within various ministries for the implementation of the Convention and whether such information was available to the national audit office in order to monitor spending.

54. **Mr. Gastaud** asked whether baby hatches, where parents could leave their unwanted children, were available in the country. He asked whether a child's right to privacy was respected, particularly by the media during court proceedings.

55. **Ms. Jaunzeme** (Latvia) said that most of the women who abandoned their newborns in hospitals were single mothers who already had children and did not necessarily belong to any ethnic minority group. Budget allocations for programmes related to the Convention, particularly child protection campaigns and education initiatives, were all audited and monitored.

56. **Ms. Līce** (Latvia) said that the right to privacy and victim protection were hotly debated issues in Latvian society. Meetings were held with media agencies and journalists to raise awareness of legislation on data and victim protection, freedom of information and the rights of the child, and a centre for media excellence had been established to promote quality ethical reporting.

57. **Mr. Guráň** asked what measures were taken to provide support for children in alternative family care and raise awareness of foster care. He would like further information about the living conditions of children residing in boarding schools and rehabilitation programmes for young people leaving institutional care settings. He asked what was done to provide psychological support to the large number of children left behind while their parents sought employment abroad. He requested details on inclusive education for children with disabilities, teacher training in the field of inclusive education, and the criteria used for disability diagnoses of children.

58. **Mr. Gastaud** asked what plans had been made to improve the quality of teacher training and education, especially in rural areas. He wished to know what measures were taken or envisaged in order to increase the enrolment rate and decrease the dropout rate, particularly of girls and in remote areas. Updated information would be appreciated on plans to provide secondary education in the Latvian language only. Had a bill been passed in that respect? Given that under the Labour Law children from the age of 13 were permitted to perform light work, he asked whether a list had been compiled of authorized and prohibited occupations and whether labour inspection visits were carried out on a regular basis to detect apparently widespread contraventions and whether prosecutions were brought. He would also like to know what measures were taken to reduce the number of street children and provide them with support.

59. He expressed concern that the periods of pretrial detention for children in conflict with the law were excessive. He asked which offences were categorized as serious and punishable with a prison sentence of 10 years and whether a sufficient number of criminal judges specialized in juvenile crime. Further information would be appreciated on the living conditions in Cēsis Correctional Institution for Juveniles, which had been undergoing renovations, and asked whether there were similar renovation plans for other juvenile detention centres. What were the results of the reintegration programme for minors in conflict with the law? What was the difference between the two types of detention centres for minors in the State party, and how was the problem of violence among minors in detention centres addressed?

60. **Ms. Muhamad Shariff** asked for data regarding the number of children who remained with their parents in prison, why they stayed with their parents until they were 4 years of age, and not 3, and what measures ensured that those children were not discriminated against. She asked whether training provided to children's legal representatives covered domestic legislation on children and the Convention, whether pre-sentencing reports proposed various options and to what extent dependent children were taken into account in criminal sentencing procedures.

61. She asked about the duration of maternity leave, whether the State party had adopted the International Code of Marketing of Breast-milk Substitutes, what initiatives had been launched to encourage breastfeeding, and whether projects were carried out under the baby-friendly hospital initiative. She expressed concern at the long waiting times for state medical care that often forced parents to opt for private health care for their children, the insufficiency of the budget provided for adolescent health-care services, and the lack of access to gynaecological care for young people. How did the State party plan to address those situations?

62. **Ms. Aho Assouma** asked what the rates of infant and maternal mortality were in the State party. She wondered whether the budget earmarked for health care was subject to audit, what accounted for the lack of free access for children to health specialists and dentists, what measures were taken to remedy widespread iodine deficiencies and resulting cases of goitre, whether programmes existed to prevent substance use and abuse among young persons, and whether young women had access to safe pregnancy terminations in hospitals. She would like to know the incidence of HIV/AIDS and what was being done to reduce it, what programmes were run to prevent mother-to-child transmission, and what awareness campaigns were conducted regarding antiretroviral therapy. She asked about the rate of suicide, measures to identify and prevent depression in children and young people, and reintegration programmes following depressive episodes. Lastly, she enquired what medical and psychological assistance was provided to child victims of sexual abuse, what type of health care refugees could access, irrespective of whether they were held in reception or detention centres, and what anti-corruption strategies had been devised.

63. **Ms. Sandberg** asked for comments on reports that violence and sexual abuse of children with intellectual disabilities in institutions persisted. How did the authorities ensure that such cases were reported by those children and what measures were taken to prevent violations and assist the victims?

64. **The Chair**, speaking as a member of the Committee, asked whether free telephone helplines, staffed by trained personnel, were available for children. She also asked whether children of asylum seekers in the territory were granted Latvian nationality.

The meeting rose at 5.45 p.m.